

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC.,
et al.,

Plaintiffs,

v.

TOM PRICE, Secretary of the
United States Department of Health
and Human Services, *et al.*,

Defendants.

No. 7:16-cv-00108

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO
RESPOND TO PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT**

Defendants seek 28 more days—for a total of 49 days—to respond to Plaintiffs' half-page brief in support of summary judgment. Barring that, they seek an additional 7 days from the date the Court denies their request. But they should receive neither. At most, they should receive 7 more days from their original due date—*i.e.*, until April 11.

Defendants claim that they need an extension so that new leadership can “become familiar with the issues in the case” (ECF No. 86 at 1)—the same reason they cited for an extension 39 days ago (ECF No. 78 at 1). But the new leadership has had ample time to familiarize itself with the issues in this case, as Secretary Price was confirmed almost two months ago. Moreover, Plaintiffs' Motion for Summary Judgment does not introduce any new legal or factual issues; it merely incorporates the evidence and arguments previously submitted in support of the Motion for Preliminary Injunction that the Court has already ruled on. Thus, there are no new legal issues to address.

CONCLUSION

Defendants' extension motion should be denied, and they should be ordered to file a response to the Motion for Summary Judgment no later than April 11.

Respectfully submitted this 4th day of April, 2017.

/s/ Luke W. Goodrich

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CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2017, the foregoing motion was served on all parties via ECF.

/s/ Luke W. Goodrich

Luke W. Goodrich